

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH**

CWP No 17296 of 2019

NISA Education

Petitioner

VERSUS

The Union of India and Anr

Respondents

COURT FEES PAID Rs.105/-

Petitioner through Counsel

Place: Chandigarh
Dated: 24.06.2019

(PANKAJ MAINI)
Advocate
P-1390/2001
Counsel for the Petitioner

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &
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LIST OF DATES & SYNOPSIS

The petitioner association is being aggrieved from the action of the respondents where the respondents have circulated the draft of the education policy 2019 (Annexure P-4) in English and Hindi without circulating the draft in other vernacular languages as mentioned in the schedule VIII of the Constitution of India which means that the respondents have violated the proviso of articles 343 to 351 of the Constitution of India which the respondents are bound to follow. The petitioner association has made a representation to the respondents on the ground that the education issue is going to effected every person of the citizen of the India but the respondents have not taken care of the representation made by the petitioner association to them on 10-06-2019 vide Annexure P-5. The last date is going to coming nearby so the association is before this Hon'ble Court with a prayer to get their representation be decided by the respondents by way of filing of the present writ petition.

Annexure P-1 (26.10.2015)

The petitioner society has been registered at New Delhi by the Registrar of Societies, South District, Government of NCT, Delhi by

issuing the certificate of registration in the name of NISA Education.

Annexure P-2

The petitioner association has framed its charter as memorandum of association of society to achieve its aims and objectives, as well as, the relations of the member schools interse.

Annexure P-3

The petitioner association is having existence in all the states of Union of India. The member schools of Haryana J&K and Punjab are appended alongwith writ petition.

Annexure P-4

Draft of National Education Policy 2019 was circulated by the respondents for submission of suggestions/objections by the citizens of India and all the stake holders.

Annexure P-5, 10-06-2019

The petitioner association has submitted the representation to the respondents for circulation of the draft in other vernacular language except Hindi as per the schedule VIII of the Constitution of India.

Annexure P-6, 04.06.2019 to 30.06.2019

The respondents have invited the suggestions/

Hence, the present writ petition before this Hon'ble court.

Petitioner through Counsel

Place: Chandigarh
Dated: 24.06.2019

(PANKAJ MAINI)
Advocate
P-1390/2001
Counsel for the Petitioner

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &
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CWP No 17296 of 2019

MEMO OF PARTIES

NISA Education having registered office at A-24-D, Ground Floor, Hauz Khas, New Delhi through its President Sh. Kulbhushan Sharma son of Sh. J.P. Sharma, age 53 years, resident of House No. 52-53, Vidhya Nagar, Nanhera, P.O. Kuldeep Nagar, Ambala Cantt., Haryana.

Petitioner

VERSUS

1. The Union of India through its Secretary, Ministry of Human Resources Development, C Wing, 3rd Floor, Shastri Bhawan, New Delhi.
2. Dr. K. Kasturirangan, Chairman, Committee for Draft National Education Policy, 2019, National Institute of Advanced Studies, Indian Institute of Science Campus, Bengaluru-560 012, Karnataka.

Respondents

Petitioner through Counsel

Place: Chandigarh
Dated: 24.06.2019

(PANKAJ MAINI)
Advocate
P-1390/2001
Counsel for the Petitioner

Civil Writ Petition under Article 226/227 of the Constitution of India praying for issuance of any writ, orders or directions especially in the nature of mandamus directing the respondents to consider the representation made by the petitioner association on 10.06.2019 (**Annexure P-5**) to the respondents to circulate the draft of National Education Policy, 2019 (**Annexure P-4**) in vernacular languages as mentioned in Schedule VIII of the Constitution of India so that the larger community of India who is only aware about the vernacular languages of their respective areas and going to be the most affected community after the adoption of National Education Policy 2019 (**Annexure P-4**) as they are going to be deprived of their rights to raise the objections/suggestions against the contents of the policy (**Annexure P-4**); a writ of mandamus may kindly be issued to the respondents to decide the representation made by the

petitioner association on 10.06.2019
(**Annexure P-5**) before the elapsing of
the date stipulated by the
respondents till 30.06.2019 for
submission of objections/suggestions
on the draft of National Education
Policy 2019 (**Annexure P-4**), before
the respondents circulate the draft in
vernacular language as per
Schedule VIII of Constitution of India
and some further time be granted to
submit the objections/suggestion in
vernacular languages by the
members of the petitioner
association.

RESPECTFULLY SHOWETH:

1. That the members of the petitioner society are the citizens of India. The authorized signatory who is filing the present petition before this Hon'ble court is the citizen of India and the resident of the State of Haryana thus, fully competent to invoke the extraordinary writ jurisdiction of this Hon'ble court by way of filing the present writ petition under Article 226/227 of Constitution of India.
2. That the petitioner association has been registered in the name of NISA Education on 26.10.2015 at New Delhi and the Registrar of Societies, South District, Government of NCT of

Delhi has issued the certificate of registration under his seal and signature on 26.10.2015 by giving the legal sanctity to the society. Copy of the certificate dated 26.10.2015 is appended herewith as **Annexure P-1**.

3. That the association was registered having the aims and objectives to rake up the issues of the private schools so that the member schools of the society could carry out their functions without any problem apart from other aims and objectives for which the society was established. The copy of the memorandum of association of society is appended herewith as **Annexure P-2**.
4. That the association is having the existence in almost all the States of India and their member schools are situated in different States of India including Punjab, Haryana, Jammu & Kashmir etc. Copies of the list of few of the member schools for different states are appended herewith as **Annexure P-3 (Colly)**.
5. That the respondents have circulated the draft of National Education Policy 2019 which was submitted by the committee to the Minister of Human Recourses Development on 15.12.2018 according to this the committee has given the draft to change the education system of the India in drastic manner. The draft was submitted by the respondent no.2 in English and Hindi only. Copy of the relevant extract of National Education Policy 2019 is appended herewith as **Annexure P-4**.

6. That the petitioner has submitted the representation to the Ministry of Human Recourses Development on 10.06.2019 as the suggestions were invited from 04.06.2019 and going to be closed on 30.06.2019 and the suggestions/objections are invited on the website. Copy of the representation dated 10.06.2019 is appended herewith as Annexure P-5.
7. That the respondents have invited the suggestions/objections from the citizen of India on the draft of National Education Policy 2019 from 04.06.2019 and the last date for submission of the objections are 30.06.2019. Copy of the portal of the respondent no.1 is appended herewith as Annexure P-6.
8. That the respondents have not circulated the draft in English and Hindi only and the respondents have not circulated the drafts in vernacular languages as mentioned in the Schedule VIII of The Constitution of India, where 22 languages are recognised. The relevant provision of the Constitution of India from article 343 to 351 are reproduced below for the kind perusal of this Hon'ble court, as well as, the languages mentioned in the VIII Schedule of the Constitution of India:-

“343. (1) The official language of the Union shall be Hindi in Devanagari script.

The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.

(2) Notwithstanding anything in clause (1), for a period of fifteen years from the commencement of this Constitution, the English language shall continue to be used

for all the official purposes of the Union for which it was being used immediately before such commencement:

Provided that the President may, during the said period, by order¹ authorise the use of the Hindi language in addition to the English language and of the Devanagari form of numerals in addition to the international form of Indian numerals for any of the official purposes of the Union.

(3) Notwithstanding anything in this article, Parliament may by law provide for the use, after the said period of fifteen years, of—

(a) the English language, or

(b) the Devanagari form of numerals,

for such purposes as may be specified in the law.

344. (1) The President shall, at the expiration of five years from the commencement of this Constitution and thereafter at the expiration of ten years from such commencement, by order constitute a Commission which shall consist of a Chairman and such other members representing the different languages specified in the Eighth Schedule as the President may appoint, and the order 212 1 See C.O. 41. Official language of the Union. Commission and Committee of Parliament on official language. shall define the procedure to be followed by the Commission.

(2) It shall be the duty of the Commission to make recommendations to the President as to—

(a) the progressive use of the Hindi language for the official purposes of the Union;

(b) restrictions on the use of the English language for all or any of the official purposes of the Union;

(c) the language to be used for all or any of the purposes mentioned in article 348;

(d) the form of numerals to be used for any one or more specified purposes of the Union;

(e) any other matter referred to the Commission by the President as regards the official language of the Union and the language for communication between the Union and a State or between one State and another and their use.

(3) In making their recommendations under clause (2), the Commission shall have due regard to the industrial, cultural and scientific advancement of India, and the just

claims and the interests of persons belonging to the non-Hindi speaking areas in regard to the public services.

(4) There shall be constituted a Committee consisting of thirty members, of whom twenty shall be members of the House of the People and ten shall be members of the Council of States to be elected respectively by the members of the House of the People and the members of the Council of States in accordance with the system of proportional representation by means of the single transferable vote.

(5) It shall be the duty of the Committee to examine the recommendations of the Commission constituted under clause (1) and to report to the President their opinion thereon.

(6) Notwithstanding anything in article 343, the President may, after consideration of the report referred to in clause (5), issue directions in accordance with the whole or any part of that report.

345. Subject to the provisions of articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State:

Provided that, until the Legislature of the State otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution.

346. The language for the time being authorised for use in the Union for official purposes shall be the official language for communication between one State and another State and between a State and the Union:

Provided that if two or more States agree that the Hindi language should be the official language for communication between such States, that language may be used for such communication.

347. On a demand being made in that behalf the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purpose as he may specify.

CHAPTER III

LANGUAGE OF THE SUPREME COURT, HIGH COURTS, ETC.

348. (1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides—

(a) all proceedings in the Supreme Court and in every High Court, Official language or languages of a State. Official language for communication between one State and another or between a State and the Union. Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc. Special provision relating to language spoken by a section of the population of a State.

(b) the authoritative texts—

(i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State,

(ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor 1 *** of a State, and

(iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State,

shall be in the English language.

(2) Notwithstanding anything in sub-clause (a) of clause (1), the Governor 1 *** of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State:

Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court.

(3) Notwithstanding anything in sub-clause (b) of clause (1), where the Legislature of a State has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislature of the State or in Ordinances promulgated by the Governor 1 *** of the State or in any order, rule, regulation or bye-law referred to in paragraph (iii) of that sub-clause, a translation of the same in the English language published under the authority

of the Governor 1 *** of the State in the Official Gazette of that State shall be deemed to be the authoritative text thereof in the English language under this article.

349. During the period of fifteen years from the commencement of this Constitution, no Bill or amendment making provision for the language to be used for any of the purposes mentioned in clause (1) of article 348 shall be introduced or moved in either House of Parliament without the previous sanction of the President, and the President shall not give his sanction to the introduction of any such Bill or the moving of any such amendment except after he has taken into consideration the recommendations of the Commission constituted under clause (1) of article 344 and the report of the Committee constituted under clause (4) of that article.

CHAPTER IV

SPECIAL DIRECTIVES

350. Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.

²[350A. It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.

350B. (1) There shall be a Special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned.]

351. It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may Special procedure for enactment of certain laws relating to language. Language to be used in representations for

redress of grievances. Facilities for instruction in mother-tongue at primary stage. Special Officer for linguistic minorities. Directive for development of the Hindi language. 1 Ins. by the Constitution (Seventh Amendment) Act, 1956, s. 21. THE CONSTITUTION OF INDIA (Part XVII.—Official Language.—Arts. 349—351.) 216 serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages”

EIGHT SCHEDULE

1. Assamese
2. Bengali
3. Bodo
4. Dogri
5. Gujarati
6. Hindi
7. Kannada
8. Kashmiri
9. Konkani
10. Mathilli
11. Malayalam
12. Manipuri
13. Marathi
14. Nepali
15. Oriya
16. Punjabi
17. Sanskrit.
18. Santhali
19. Sindhi
20. Tamil
21. Telugu
22. Urdu

9. That the respondents have only circulated the Draft of National Education Policy 2019 in English and Hindi only by violating the rights of the Citizen to submit their suggestions/objections to the respondents against the draft of National Education Policy 2019 in their vernacular languages. The petitioner association is in the field of education so having the stake to get the draft be available to the parents or other persons in their vernacular languages so that they could able to understand the effect of the draft of national education policy which is going to be put the effect upon them.
10. That the following questions of law have been enumerated in the present writ petition for the kind perusal and adjudication by this Hon'ble court:
 - i. Whether the respondents could violate the provision of the article 343 to 351 of the Constitution of India by not circulating the draft of National Education Policy 2019(Annexure P-4) in the vernacular languages mentioned in the Schedule VIII of the Constitution of India.
 - ii. Whether the petitioner association is entitled to get their representation be decided as given by them on 10.06.2019 (Annexure P-5) to the respondents which has not been taken care of the respondents till date and last date for submission of suggestions/objections are going to be elapsed on 30.06.2019 (Annexure P-6)

so petitioner association is entitled to get the time be extended for submission of suggestion/objections to the policy of 2019 (Annexure P-4).

11. That the petitioner association has left with no other efficacious remedy except to approach this Hon'ble court by way of filing the present writ petition to get their rights be protected as enshrined under the Constitution of India.
12. That no such or similar petition has been filed by the petitioner association before this Hon'ble court or before the Hon'ble Supreme Court of India on the same cause of action.

PRAYER CLAUSE

- i. It is, therefore, respectfully prayed that a writ of any writ, orders or directions especially in the nature of mandamus directing the respondents to consider the representation made by the petitioner association on 10.06.2019 (**Annexure P-5**) to the respondents to circulate the draft of National Education Policy, 2019 (**Annexure P-4**) in vernacular languages as mentioned in Schedule VIII of the Constitution of India so that the larger community of India who is only aware about the vernacular languages of their respective areas and going to be the most affected community after the adoption of National Education Policy 2019 (**Annexure P-4**) as they are going to be deprived of their rights to raise the objections/suggestions against the contents of the policy (**Annexure P-4**);

- ii. a writ of mandamus may kindly be issued to the respondents to decide the representation made by the petitioner association on 10.06.2019 (**Annexure P-5**) before the elapsing of the date stipulated by the respondents till 30.06.2019 for submission of objections/suggestions on the draft of National Education Policy 2019 (**Annexure P-4**), before the respondents circulate the draft in vernacular language as per Schedule VIII of Constitution of India and some further time be granted to submit the objections/suggestion in vernacular languages by the members of the petitioner association
- iii. The petitioner association may kindly be granted exemption from filing the certified copies of the Annexure P-1 to **Annexure P-6** without appending the certified copies of the aforesaid annexure, as well as the permission be also granted to append the photocopies of the Annexure P-1 to **Annexure P-6** alongwith this petition.

Petitioner through Counsel

Place: Chandigarh
Dated: 24.06.2019

(PANKAJ MAINI)
Advocate
P-1390/2001
Counsel for the Petitioner

VERIFICATION:

Verified that all the contents mentioned in the writ petition are true and correct to the best of the knowledge of the petitioner and nothing have been concealed from this Hon'ble Court. In para no 1 to 9, 11 and 12 are true to the best of knowledge of the petitioner and question of law has been mentioned in para no. 10 of the writ petition.

Place: Chandigarh
Dated: 24.06.2019

PETITIONER

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH**

CWP No 17296 of 2019

NISA Education

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VERSUS

The Union of India and Anr

Respondents

Affidavit of Kulbhushan Sharma son of Sh. J.P. Sharma, age 53 years, resident of House No. 52-53, Vidhya Nagar, Nanhera, P.O. Kuldeep Nagar, Ambala Cantt., President of NISA Education having registered office at A-24-D, Ground Floor, Hauz Khas, New Delhi, do hereby solemnly affirms and declare as under:-

1. That the deponent being petitioner is fully conversant with the facts and circumstances of the case.
2. That on the request of the deponent, his counsel has prepared the writ petition on the basis of information and record provided by him.
3. That the deponent has gone through the contents of the writ petition which are true and correct to his knowledge.
4. That the contents of the writ petition may kindly be treated as part and parcel of this affidavit.

Place: Chandigarh

Dated: 24.06.2019

DEPONENT

VERIFICATION:-

Verified that the contents of my aforesaid affidavit mentioned in paragraphs 1 to 4 are true and correct to my knowledge. No part of it is false and nothing relevant has been kept concealed therein from this Hon'ble Court.

Place: Chandigarh

Dated: 24.06.2019

DEPONENT

NISA EDUCATION

Regd. office at A-24-D, Ground Floor, Hauz Khas, New Delhi

Ref. No

Dated:24.06.2019

RESOLUTION

The meeting of the association has been convened on 24.06.2019 in the present of the most of the members of the association, in which the agenda regarding the filing of the case before the Hon'ble Punjab and High Court was considered to get the draft of National Education Policy, 2019 be circulated in vernacular languages as mentioned in Schedule VIII of Constitution of India. The members have authorized, the President of NISA Sh. Kulbhusan Sharma, to take all necessary steps regarding the filing of the case as well as he has been authorised to append his signature on the relevant document in respect of the case on behalf of the association.

SECRETARY

PRESIDENT

TREASURER

NISA EDUCATION

Regd. office at A-24-D, Ground Floor, Hauz Khas, New Delhi

Ref. No

Dated: 10.06.2019

To

The Hon'ble Minister
Ministry of Human Resource Development
New Delhi

Subject: Objection for not circulating the draft of National Education Policy, 2019 in vernacular languages as notified in the 8th Schedule of the Constitution of India

Respected Sir

We are thankful to the Hon'ble Minister for adopting the changes in the Education Policy of India which are pending for last so many years as the National Curriculum Framework was lastly circulated in the year 2005. After that the successive governments have not taken any serious efforts regarding adoption of changes in the Education Policy to make it adaptive to the needs of the fast changing International Environment.

Recently, the government has circulated the draft of National Education Policy, 2019 in two languages only i.e. English & Hindi. The government has invited the objections/suggestions from the general public on their website w.e.f. 07.06.2019 to 30.06.2019. Our organization who works in the field of Education for the benefit of Children and our member schools so that level of education could be enhanced are having serious objections for non-circulation of the draft of National Education Policy, 2019 in other vernacular languages such as Punjabi,

Gujarati, Bengali etc, as well as, your department is only inviting the suggestions/objections only through website which means that the general public who is going to be affected with this new policy has not been involved by the government in this process who is not privy to the availability of Internet to him or not aware to the language in which the National Education Policy, 2019 has been circulated.

We request before your goodself to circulate the draft of National Education Policy, 2019 in other vernacular language except Hindi or English so that the every stakeholder of the society could also be able to submit his/her suggestions to the proposed policy by extending the time limit from 30.06.2019 to another 15 days after publishing of draft in vernacular languages so that the stakeholder could give their objections in their vernacular languages.

Thanking you

Yours faithfully

(KULBHUSHAN SHARMA)

PRESIDENT

TRUE COPY

ADVOCATE

**IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB &
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Sr. No.	Particulars	Dated	Page No.	Court Fees
1.	List of Dates and Events	24.06.2019	1-2	0.00/-
2.	Civil Writ Petition	24.06.2019	3-15	50.00/-
3.	Affidavit in Support	24.06.2019	16	0.00/-
4.	<u>Annexure P-1</u> Society registration Certificate	26.10.2015	17	0.65/-
5.	<u>Annexure P-2</u> Memorandum of Association	----	18-35	11.70/-
6.	<u>Annexure P-3</u> List of Member Schools	----	36-56	13.65/-
7.	<u>Annexure P-4</u> Draft of National Edu Policy 2019	-	57-91	22.75/-
8.	<u>Annexure P-5</u> Representation & receipt	10.06.2019	92-94	1.95/-
9.	<u>Annexure P-6</u> Portal	04.06.2019 to 30.06.2019	95-96	1.30/-
10.	Resolution	24.06.2019	97	0.00/-
11.	Power of Attorney	24.06.2019	98	2.65/-
TOTAL				105.0/-

NOTE:

1. The main law points enumerated in the present writ petition are at page No. 13 & 14 in para No 10 thereto.
2. Whether any Caveat petition has been filed or not: **-Nil-**
3. Similar case, if any: NIL
4. Violations of the provisions of:-
 - i. Articles 343 to 351 of Constitution of India.

Petitioner through Counsel

Place: Chandigarh
Dated: 24.06.2019

(PANKAJ MAINI)
Advocate
P-1390/2001
Counsel for the Petitioner

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Short Note in respect of the
judgments cited by the petitioner

RESPECTFULLY SHOWETH:

1. That the relevant provisions of the Constitution of India are reproduced below for the kind perusal of this Hon'ble court;

***“344. Commission and Committee of Parliament on official
language—***

- (1) *The President shall, at the expiration of five years from the commencement of this Constitution and thereafter at the expiration of ten years from such commencement, by order constitute a Commission which shall consist of a Chairman and such other members representing the different languages specified in the Eighth Schedule as the President may appoint, and the order shall define the procedure to be followed by the Commission.*
- (2) *It shall be the duty of the Commission to make recommendations to the President as to—*

- (a) *the progressive use of the Hindi language for the official purposes of the Union;*
- (b) *restrictions on the use of the English language for all or any of the official purposes of the Union;*
- (c) *the language to be used for all or any of the purposes mentioned in article 348;*
- (d) *the form of numerals to be used for any one or more specified purposes of the Union;*
- (e) *any other matter referred to the Commission by the President as regards the official language of the Union and the language for communication between the Union and a State or between one State and another and their use.*

(3) In making their recommendations under clause (2), the Commission shall have due regard to the industrial, cultural and scientific advancement of India, and the just claims and the interests of persons belonging to the non-Hindi speaking areas in regard to the public services.

(4) *There shall be constituted a Committee consisting of thirty members, of whom twenty shall be members of the House of the People and ten shall be members of the Council of States to be elected respectively by the members of the House of the People and the members of the Council of States in accordance with*

the system of proportional representation by means of the single transferable vote.

(5) It shall be the duty of the Committee to examine the recommendations of the Commission constituted under clause (1) and to report to the President their opinion thereon.

(6) Notwithstanding anything in article 343, the President may, after consideration of the report referred to in clause (5), issue directions in accordance with the whole or any part of that report.

345. Official language or languages of a State — *Subject to the provisions of articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State:*

Provided that, until the Legislature of the State otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution.

346. Official language for communication between one State and another or between a State and the Union — *The language for the time being authorised for use in the Union for official purposes shall be the official language for communication between one State and another State and between a State and the Union:*

Provided that if two or more States agree that the Hindi language should be the official language for communication between such States, that language may be used for such communication.

350. Language to be used in representations for redress of grievances — *Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.*

[350A. Facilities for instruction in mother-tongue at primary stage — *It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.”*

2. That the following judgments were cited by the petitioner for the kind perusal of this Hon'ble court:

*i. **Teddu Jyothi And Anr. – Petitioner Versus Government Of A.P. And Anr. – Respondent (2007 (1) ALT 765)***

5. *The writ petition is filed for a writ of mandamus declaring action of the respondents in not issuing the copies of master plan, draft master plans, proposals for extensive modifications and finalised modifications to the master plan and zonal development plans along with annexures and plans in Telugu, as*

unconstitutional and violative of G.O. Ms. No. 420, dated 13.9.2005; and consequently direct the respondents to furnish the information sought by the petitioners in simple Telugu and pass such other suitable orders.

- 7. The first petitioner had taken this Court through the affidavit filed in support of the writ petition. It is stated that the first petitioner had studied up to 10th class and for the last two years the first petitioner has been working as community based organisation (CBO) for the welfare of the fishermen community and he hails from fishermen community and her husband goes to sea for fishing and she has been guiding and encouraging the women from the fishermen community to take up small scale savings and teaching them basic marketing techniques. It is also stated that the women of their community, like the petitioner, are taking up the activity of separating the fish caught in the nets, repairing nets, drying them up and selling them and all this takes place near the seashore. Thus the petitioner is vitally interested in knowing what is happening to the land and places, which are being used by the petitioner and the community of the petitioner for generations.*
- 8. It is also stated that the second petitioner organisation has been taking welfare activities for the fishermen and has been active in representing their cause. It is also taking active part in seeing that the seashore is not polluted and not occupied by real estate developers in violation of law. The second petitioner has been representing to the Government regarding protection of seashore and in fact the second petitioner filed two writ petitions in this regard. The effected persons would be fishermen community. It is also stated that unless the seashore, sand dues and beaches are protected from encroachments by way of permanent and temporary structures, the*

fishermen community will be adversely affected. Thus, the second petitioner organisation had been taking up the cause for the protection of its members, who were fishermen, seashore, beaches and sand dues. The president of the second petitioner association has been in the forefront for the struggle launched for protection of the fishermen and has been making representations to obtain master plans and other plans, zonal regulations, in Telugu for the benefit of fishermen community and to themselves welfare.

9. *It is also stated that G.O. Ms. No. 274, dated 23.5.1989 was issued finalising the master plan for the Visakhapatnam Urban Area. The Zonal Development Plan for Gajuwaka, Annavaram, Bheemilipatnam, Vijayanagaram were approved later on by different G.Os. The master plan for Visakhapatnam Urban Development Authority Metropolitan Region had been approved as per the provisions of Andhra Pradesh Urban (Areas Development) Act, 1975 in 1989 and it holds the field till the new master plan would come into existence. It is also stated that in December, 2003 the respondent No. 2 had sent a letter to the second petitioner organisation saying that as part of preparation of new master plan 2021 the comments and suggestions from fishermen community and their representatives were being sought and some of the elderly people of the fishermen community attended the meeting and gave their representations, objections etc. The fishermen were informed that the draft master plan would be circulated. To their shock it was found that it was in English and none of the fishermen could understand it.*
10. *The second petitioner made a representation on 5.2.2004 asking for Telugu version and sought extension of time to file objections etc. Similar*

representations were made by Mastyakara Samkshema Samiti (Regd. No. 781/2002), National Association of Fishermen (Regd. at New Delhi 10495 of 1978) through its Andhra Pradesh branch and Jala Jana Mastyakara Samkshema Samiti (Regd. No. 781/2002) on 11.2.2004 requesting the respondent No. 2 to give draft master plan in Telugu in relation to which objections were sought for. The second petitioner made another representation on 16.2.2004 pointing out that when local people were asked suggestions and objections to the draft plan, the draft plan must be made available in the local language. Another representation by S.K.M. Samkshema Samiti was given on 27.2.2004. The draft master plan of 2021 was not made available in Telugu, but somehow many people managed to submit objections.

12. It is also further stated that the second petitioner made a comprehensive representation to respondent No. 2 on 1.5.2006 requesting for publication of Visakhapatnam Metro Region Master Plan, notifications and Government Orders in Telugu and a final representation was made by the first petitioner on 27.11.2006 on the same issue and till this date the authorities have not furnished them relevant copy of the master plan etc., in the language which can be understood. Even as per the G.O. Ms. No. 420 the authorities are bound to make available the information sought in Telugu. The inaction of the respondents to submit the notifications and master plan in Telugu is violative of Articles 14 and 21 of the Constitution of India. Every week the authorities come and say that the area near the sea is being offered for development of tourism etc., and threatening them that they should not use the beaches as the master plan has prohibited the use of beaches by the fishermen.

14. *In the light of the facts and circumstances inasmuch as there is no serious controversy relating to the applicability of G.O. Ms. No. 420, dated 13.9.2005, this Court is of the considered opinion that inasmuch as the respondents are bound to furnish the proceedings, orders of the documents, which had been prayed for by the writ petitioners, the writ petition be disposed of directing the respondents to furnish Telugu version copies of the proceedings, documents etc., which had been prayed for by the petitioners within a period of two months from the date of receipt of a copy of this order.*

ii. **State Consumer Disputes Redressal Commission, Mumbai - Petitioner Versus Atul Chandrakant Tawade Goregaon (E) & Ors. – Respondents (2010 (62) RCR (Civil) 964)**

“9. *The main grievance of the complainant-respondent No. 1, who is aggrieved by the order of the District Consumer Forum is that that according to him, Article 345 of the Constitution and the Maharashtra Official Languages Act, 1964 and the Notifications which have been issued by the State Government under section 272 of Code of Criminal Procedure and Section 137 of Code of Civil Procedure, which are applicable to the District and Subordinate Courts in the State of Maharashtra, the language of Subordinate Courts in the State of Maharashtra shall be Marathi. Complainant/respondent No. 1 has also relied upon the circular issued by the High Court of Bombay on 12.12.2005 in respect of use of Marathi language and also has relied upon the judgment of the Apex Court in the matter of **Usha Mehta & Ors. v. State of Maharashtra & Ors.**, reported in **V (2004) SLT 227:2005 (1) MLJ 1**, and thus, it is submitted on behalf of respondent No. 1/complainant that language of the District Consumer Forum shall be Marathi as provided in Rule 6(1), Maharashtra*

Consumer Protection Rules, 2000 and, therefore, complaint and written version before the District Consumer Forum shall be filed in Marathi. It is further submitted that the explanation to said rule shows that rule is not exhaustive and, therefore, all proceedings, orders and judgments of District Consumer Forum shall be in Marathi.

16. *Thus, on reading Article 345 it is clear that the State Legislature has a power to make a law to adopt any one or more languages to be used in the State or Hindi as a language or languages to be used for all or any of the official purposes of that State. However, proviso to the said Article provides that until the Legislature of the State otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution. Simple analysis of this provision is that after the law adopting the language has been passed by the State Legislature, the official language of the State will be as per the State law and proviso thereafter shall not apply. However, until the said law is made, the English shall be a language used for the purposes for which it was being used immediately before the commencement of the Constitution. It is to be noted that the State Legislature of Maharashtra has passed a legislation known as 'The Maharashtra Official Languages Act, 1964', Act No. V of 1965 which has been brought into force on 26.1.1965 and also by subsequent Notifications. Section 3 which has been brought into force on 26.1.1965 is applicable to the business in the Legislature of the State and for deciding this Revision Petition, we need not ponder upon said Section of the said Act. Section 4 of the said Act is as follows:*

"Subject to the provisions of this Act, Marathi shall as from the appointed day, be the

language to be used for all official purposes referred to in the Article 345 of the Constitution, as respects the State of Maharashtra except such purposes as the State Government may, by rules issued from time to time in the Official Gazette, specify and Hindi may be used as the official language for such excepted purposes."

19. *In view of this Article, every person is and shall be entitled to submit representation for redress of any grievances to any officer or authority of the State in any of the languages used in the State. Official language used in the State is the Marathi as stated earlier and therefore, person is entitled to make his grievance in Marathi language. There is no other language which has been recognised either under the Constitution or under the Act which is applicable in the State of Maharashtra as an official language for redressal of the grievances of the person. Therefore, if the grievance of the person is in Marathi language, naturally the reply to said grievance shall be in Marathi, because the person making grievance must understand the reply. If the reply given in any other language or in English and if the complainant does not know that language, then the whole adjudication system is affected and the complainants are prejudicially put to inconvenience. The ultimate result is that the language of the District Consumer Forum shall be Marathi. Therefore, complaint which is lodged with the District Consumer Forum shall be in Marathi and so also the reply version shall be in Marathi.*
23. *One of the controls which contemplated is furnishing of English translation of the judgment written in any language. This contemplates that the Parliament is aware of the fact that in the State, the language to be followed is other than the English language and, therefore, in such circumstances, the National Commission may give a direction to provide English*

translation of the judgment written in any language. Therefore, language of the District Consumer Forum may be otherwise than the English has been considered while drafting Section 24-B by the Parliament and accordingly, administrative control has been vested with the National Commission. This also separately explained that the State can provide the official language as language of the District Consumer Forum and taking cognizance of such aspect, Section 24-B has been drafted by the Parliament. Therefore, it is inappropriate to contend that Consumer Protection Act, 1986 is a Central Statute and therefore, the State cannot provide any other language than the English. Such submissions are contrary to the Article 345 and 350 as stated above. So, in the last analysis, we find that insistence of respondent No. 1 to get a translated copy of reply version was justified one and the District Consumer Forums are under obligation to see that whenever, reply version and the complaint is filed in any other language than the Marathi, translation duly authenticated by the party is on record. There was also discussion in respect of documents to be filed in support of the complaint and the reply version and the language to be used for the same. It is clarified that the original documents and xerox copies of the same will have to be produced in support of respective claims. If the documents relied upon by both sides are in Marathi, there is no problem. If the documents relied upon by the parties are in English and one of the parties to the proceeding complained that he is not understanding the English, then it will be obligatory for the party to the proceeding relying upon the English documents, to provide translation of the same to the other side because other side must know what documents he has to face in the proceeding. If the documents produced by either party are other than the language known to the President and the

Members of the District Consumer Forums, then both the parties shall have to produce a translation of those documents because in absence of those translated documents, it is not possible for the District Consumer Forum to decide the complaint on merits. No doubt, at initial stage, it may not be necessary for producing the documents along with translation but, as above stated, there may circumstances where translation is necessary and therefore, whenever such documents are presented by either party either in support of the complaint or reply version, it will be appropriate on the part of said party to undertake before the District Consumer Forum that the required translation of those documents will be filed as and when directed. This system is equally followed in the Bombay High Court also. Advocate who appeared for the Consumer Courts Advocates Association Mr. Paranjpe fairly conceded that he has no objection for such a procedure being introduced for the purposes of the documents produced in support of complaint and reply version. Therefore, to sum up, what we find that the Rule 6(1) is required to be implemented in the District Consumer Forums as desired by the State Government. Therefore, the complaint and written version, which are filed in the District Consumer Forum, shall be in Marathi. Whenever, complaint and written version has been filed in any other language than the Marathi or in English, it shall be accompanied with Marathi translation. It is equally permissible for the complainant and the opponents though they may not be knowing Marathi, to file a complaint and written version in Marathi with an endorsement that the Advocate, Authorised Representatives and/or Power of Attorney holders of the said party has explained the contents of the complaint and written version in English or in a language known to party. So far as documents which are produced in support of the complaint and the

written version, those documents may be produced as it is i.e. in the language they are prepared by the parties, but if it happens that one of the party to the proceeding is not aware of said language and/or Members of the District Consumer Forum are not knowing the said language, then the party producing such documents shall produce duly authenticated translated copies of those documents. The party producing documents shall undertake to translate the documents as and when directed by District Consumer Forum. Such undertaking shall be given by party at the time of filing documents in support of complaint and/or reply version.”

iii. State of Karnataka and Anr. – Appellants Versus Associated Management of (Government Recognised - Unaided - English Medium) Primary and Secondary Schools and others – Respondents (2014 (4) RSJ 657)

“2. The Government of Karnataka issued a Government Order dated 19.06.1989 prescribing that "from 1st standard to IVth standard, mother tongue will be the medium of instruction". On 22.06.1989, the Government of Karnataka issued a corrigendum substituting the aforesaid words in the earlier Government Order dated 19.06.1989 by the following words:

"from 1st standard to IVth standard, where it is expected that normally mother tongue will be the medium of instruction."

The orders dated 19.06.1989 and 22.06.1989 were challenged before this Court and a Division Bench of this Court in its judgment dated 08.12.1993 in **English Medium Students Parents Association v. State of Karnataka & Ors., [(1994)1 SCC 550]** held that the two orders of the Government of Karnataka were constitutionally valid.

3. *Thereafter, in cancellation of all earlier orders pertaining to the subject, the Government of Karnataka issued a fresh order dated 29.04.1994 regarding the language policy to be followed in primary and high schools with effect from the academic year 1994-1995. Clauses 2 to 8 of the Government Order dated 29.04.1994, with which we are concerned in this reference, are extracted hereinbelow:-*

"2. *The medium of instruction should be mother tongue or Kannada, with effect from the academic year 1994-95 in all Government recognised schools in classes 1 to 4.*

3. *The students admitted to 1st standard with effect from the academic year 94-95, should be taught in mother tongue or Kannada medium.*

4. *However, permission can be granted to the schools to continue to teach in the pre-existing medium to the students of standards 2 to 4 during the academic year 94-95.*

5. *The students are permitted to change over to English or any other language as medium at their choice, from 5th standard.*

6. *Permission can be granted to only students whose mother tongue is English, to study in English medium in classes 1 to 4 in existing recognised English medium schools.*

7. *The Government will consider regularisation of the existing unrecognized schools as per policy indicated in paragraphs 1 to 6 mentioned above. Request of schools who have complied with the provisions of the code of education and present policy of the Government will be considered on the basis of the report of the Zilla Panchayat routed through commissioner for public instructions.*

8. *It is directed that all unauthorized schools which do not comply with the above conditions, will be closed down."*

Thus, these clauses of the Government order dated 29.04.1994 provided that medium of instruction should be mother tongue or Kannada with effect from the academic year 1994-1995 in all Government recognised schools in classes I to IV and the students can be permitted to change over to English or any other language as medium of their choice from class V. The Government Order dated 29.04.1994, however, clarified that permission can be granted to only those students whose mother tongue is English, to study in English medium in classes I to IV in existing recognised English medium schools.

25. *After the recommendations of the State Reorganisation Commission, 1955, Article 350A was inserted in the Constitution by the Constitution (VIIth Amendment) Act. Article 350A reads :*

"It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities."

A mere reading of Article 350A of the Constitution would show that it casts a duty on every State and every local authority within the State to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups. Hence, the expression `mother tongue' in Article 350A means the mother tongue of the linguistic minority group in a

particular State and this would obviously mean the language of that particular linguistic minority group.

26. *Mother tongue in the context of the Constitution would, therefore, mean the language of the linguistic minority in a State and it is the parent or the guardian of the child who will decide what the mother tongue of child is. The Constitution nowhere provides that mother tongue is the language which the child is comfortable with, and while this meaning of "mother tongue" may be a possible meaning of the 'expression', this is not the meaning of mother tongue in Article 350A of the Constitution or in any other provision of the Constitution and hence we cannot either expand the power of the State or restrict a fundamental right by saying that mother tongue is the language which the child is comfortable with. We accordingly answer question No. (i)."*

iv. Dr. Amaresh Kumar - Petitioner Versus Lakshmbai National College of Physical Education, Gwalior – Respondent (1997 (AIR) (MP) 43)

“4. *Shri J. P. Gupta, learned Sr. Advocate took us through the various provisions of the Constitution in respect of the Official Language and duty of Union of India to enforce national language. He took us to the provisions of Articles 29 and 351 of the Constitution of India. He submitted that the documents Annexure-s P/2 and P/3-A have been issued under Article 351 of the Constitution of India and these documents have a statutory force and are liable to be executed. LNCPE being Department of Union of India, cannot overlook the notification and is bound to implement the instructions issued under Article 351 of the Constitution of India. Article 351 of the Constitution of India is re- produced below :-*

"Directive for development of the Hindi language - It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expression used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages."

In this Article the word used is 'shall' whereby it means that it is the obligation of the Union of India to make a programme for enforcing the national language.

5. *Shri Gupta has further argued though a student has no right to claim a particular medium of instruction yet he acquires a right when a statutory circular under Article 351 of the Constitution of India is issued by the Union of India. Shri R. D. Jain, learned Sr. Advocate appearing as amicus curiae has brought to our notice a compilation of constitutional provisions of the Official Languages Act, 1963, Official Language Resolution 1968 and Official Language Rules, 1976. He also invited our attention to the resolution adopted by both the Houses of Parliament on 18th January, 1968 which reads as under: -*

"WHEREAS under Article 343 of the Constitution Hindi shall be the official language of the Union, and under Article 351 thereof it is the duty of the Union of promote the spread of the Hindi Language and to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India.

This House resolves that a more intensive and comprehensive programme shall be prepared and implemented by the Government of India for accelerating the spread and development of Hindi, and its progressive use for the various official purposes of the Union and an annual assessment report giving details of the measures taken and the progress achieved shall be laid on the Table of both Houses of Parliament and sent to all State Governments;

2. *WHEREAS the Eighth Schedule to the Constitution specifies 14 major languages of India besides Hindi, and it is necessary in the interest of the educational and cultural advancement of the country that concerted measures should be taken for the full development of these languages;*

The House resolves that a programme shall be prepared and implemented by the Govt. of India, in collaboration with the State Governments for the co-ordinated development of all these languages, alongside Hindi so that they grow rapidly in richness and become effective means of communicating modern knowledge.

3. *WHEREAS it is necessary for promoting the sense of unity and facilitating communication between people in different parts of the country that effective steps should be taken for implementing fully in all States the three-language formula evolved by the Government of India in consultation with the State Governments.*

This House resolves that arrangements should be made in accordance with that formula for the study of a modern Indian language, preferably one of the Southern languages,

apart from Hindi and English in the Hindi speaking areas and of Hindi along with the regional languages and English in the non-Hindi speaking areas.

4. *AND, WHEREAS, it is necessary to ensure that the just claims and interest of people belonging to different parts of the country in regard to the public services of the Union are fully safeguarded;*

This House resolves : -

- (a) *that compulsory knowledge of either Hindi or English shall be required at the stage of selection of candidates for recruitment to the Union services or posts except in respect of any special services or posts for which a high standard of knowledge of English alone or Hindi alone, or both as the case may be, is considered essential for the satisfactory performance of the duties of any such service or post; and*
- (b) *that all the language included in the Eighth Schedule to the Constitution and English shall be permitted as alternative media for the All India and Higher Central Service Examinations after ascertaining the views of the Union Public Service Commission on the future scheme of the examinations, the procedural aspects and the timing."*

He submitted that in pursuance of this resolution, programmes were prepared for use of official language. He also submitted that the official language of the Union is Hindi under Article 343 of the Constitution. He also invited our attention to Article 344 of the Constitution.

It provides constitution of Committee of Parliament on official language and a formation of Commission. The Commission was empowered to make recommendations to the President. Shri R. D. Jain submitted that in pursuance of the aforesaid provisions and recommendation of Commission, Office Memorandum No. (O. M. No. 13034/50/87-OL(C), decided on 11-11-87) for arrangements to impart training in Hindi medium at the Training Centers w.e.f. 1st January, 1989 was issued. He submitted that all these notifications have a statutory force because they have been issued under the provisions of the Constitution as such the notifications deserves to be enforced and right accrued to students in the institutes of Central Government imparting training. He contended that LNCPE is also an institute which is imparting training and under the control of Central Govt. The contention of the learned counsel for the respondent is that the Institute is an autonomous body and affiliated to Jeewaji University, Gwalior recently. He submitted that these circulars are not applicable to the autonomous body.

15. *Part XVII of the Constitution relates to Official Language.*

Article 343 provides that the official language of Union shall be Hindi in Devnagari script. This language was to be enforced within 15 years from the date of enforcement of Constitution.

Though the framers of the Constitution provided by way of interim arrangement that official language shall continue to be English for a period of 15 years, however, the period has been extended.

Though India won its independence on 15th August, 1947, yet we could not overcome the mental slavery till today, that is about 50 years of independence. It is well known that very little percentage of Indian population knows English, yet vested interest of minority of people who had advantage of being in higher post on account of knowledge of English, never wanted this Article should come into force. They have a feeling of superiority on account of the knowledge of English. It is well-known that child learns the language of his mother and understands the same. On account of imposition of language of English majority having better knowledge cannot achieve the expected result on account of their failure to express or write their views in English with the result those, who have knowledge of English, yet less intelligent had become superior to majority of students who have little or no knowledge of English. With the result the language English as imposed is doing more harm in development of intellect of the child.

The framers of the Constitution were aware of this fact, but few people's vested interest has stalled development of official language and regional languages of India. The citizens of India are still forced to face the trauma of the past period of English Dominion over India by the imposition of English upon them. The act of imposition of English gives an impression that we are still under the clutches of the British Rule.

The pious intention of the framers of the Constitution was to get rid of English; to wash away bitter memories of British Rule over India. But the officials, who have negligible percentage have a feeling that abolition of English may cause disappearance of their superficial superiority over others. On account of this

mentality the notifications were not enforced by the respondents.

17. *Since no remedy can be given to the petitioners pertaining to the order of the examination, as the examinations are already held. The only writ which may be issued to the respondents is that from the next session they should impart instructions in their institute in Hindi also. The Officers cannot ignore Constitutional obligation of Union of India and its employees are bound to implement notification under Article 351 and citizens of India be allowed to forget the bitter past of British Rule over India.”*

**v. B.R. Manhas - Appellant Versus Union of India and Ors
– Respondent (2016 (2) J.K.J. 1)**

“1. This writ petition, filed in public interest by a practicing lawyer of this Court, seeks following relief:-

i) *Mandamus, Commanding and directing the respondents to provide the same privileges in all the field and Departments of the Government of India and the State Government to the Dogri Language/Script, as are provided to other such languages/Scripts as are put in the 8th Schedule of the Constitution of India,*

ii) **MANDAMUS**
Commanding and directing the respondents, more particularly respondents Nos. 1,2 and 3 to order printing of the denomination of a currency note on the language panel of the bank notes of different denominations (as mentioned under Section 24 of the RBI Act) printed by the Reserve Bank of India, in Dogri language/Script, in the same manner, as is being printed in other such languages/Scripts as figure in the 8th Schedule of the Constitution

of India and place 'Dogri' language at place 4 in the language panel of the Bank Note as per her position in the 8th Schedule of the Constitution of India.

iii) MANDAMUS

Commanding and directing the respondents, more particularly, respondent Nos. 1 and 4 to order printing of the denomination of Indian Postal Order in 'Dogri' language/Script in the language panel of the Indian Postal Orders in the same manner, as has been done in other such languages, as find place in the 8th Schedule of the Constitution of India, alongside 'Dogri' language.

iv) MANDAMUS

Commanding and directing respondent Nos. 7 and 9 to introduce Dogri language/Script in the Schools of Jammu Division of the J&K State from 1st Standard itself, as has been done with scripts of other languages such as Hindi (in Devnagri Script); Urdu (in Persian Script); English (in Roman script) and Punjabi (in Gurmukhi script)."

- 6. The Expert Committee of Ministry of Information and Technology has suggested a change in the design of Indian Postal Order. Copy of the minutes of the Committee constituted for suggesting changes in the design of Indian Postal Order (IPO) has been taken on record. The Committee considered the issue and was of the view that the purpose of Indian Postal Orders was not to promote Indian languages, as it was only an instrument for payment of fee/charges. The Committee noted that Reserve Bank of India has only 15 languages in the language panel of currency notes. Having regard for the ever expanding list of languages in 8th Schedule of the Constitution of*

India, the Committee recommended for not adding any additional language in the Indian Postal Order and continuing with 13 languages appearing on the lower denominations and 14 languages appearing on the Higher denominations of Indian Postal Orders. Report of the Committee is emphatic on the point that incorporation of Dogri language in Indian Postal Orders will not be suitable unless all 22 languages in 8th Schedule of the Constitution of India are added in Indian Postal Orders.

8. *India is a multi linguistic country with Constitution guaranteeing conservation of language, script or culture by any section of citizens residing in any part of the country. Each linguistic group has a guaranteed right to propagate and promote its language and share its rich literature with other country men. Therein lies the beauty of India as a notable example of unity in diversity. With incorporation of 22 languages including Dogri in the 8th Schedule of the Constitution of India, Dogri aspires for its inclusion in the language panel of Bank currency notes issued by the Reserve Bank of India which is used as a legal tender. It also craves for finding a place on the language panel of Indian Postal Orders. The argument that exclusion of Dogri from being incorporated on the language panel of Bank currency notes issued by the Reserve Bank of India and Indian Postal Orders smacks of a discriminatory attitude towards it cannot be countenanced as the decision to incorporate a particular language on the language panel of Bank currency notes rests with the Central Board of Reserve Bank of India depending on various factors. Uniformity has to be ensured to allay the apprehensions of a particular linguistic group who feels alienated on account of exclusion of its language from language panel of Bank currency notes and Indian Postal Orders despite such language being included in 8th Schedule of*

Constitution. This can be done only by taking appropriate steps to include such scheduled language at its rightful place in the Bank currency notes and the Indian postal orders. It appears that inclusion of scheduled languages on the language panel of Bank currency notes and Indian postal orders is intended only to display its face value and not to promote such languages. Therefore, non-inclusion of all scheduled languages in the legal tender of Reserve Bank of India and Indian Postal Orders cannot be held to be violative of constitutional guarantee. With rapid increase in literacy rate, display of the face value on a legal tender or Indian postal order in the scheduled/regional languages would not be of much significance. Induction of national language viz Hindi and English as the lingua-franca are serving the purpose of rendering the holder of such legal tender or Indian postal orders capable of ascertaining its value.

9. *Having regard for the plea raised on behalf of the respondents that the panel of languages would be ever increasing on account of inclusion of more languages in 8th Schedule and lack of space on the standard bank notes and Indian postal orders may not admit of further accommodation of languages. Thus, this Court is constrained to reject the plea of the petitioner in so far as giving a positive direction is concerned.*

11. *Petition is, accordingly, disposed of by directing the respondents to consider the prayer of the petitioner seeking incorporation of Dogri language on the language panel of Bank currency notes and Indian postal orders, if the same is possible. Decision in this regard be taken within a period of four months from the date copy of the order is served upon the respondents.”*

- vi. **Association of Education Colleges (Self Financing) of Haryana, registered office at Swami Devi Dyal College Campus, Village Golpura, Barwala District Panchkula through its General Secretary V.K. Sharma, Tulsi College of Education for Women, Hisar Road, Ambala City. – Petitioner Versus State of Haryana through the Secretary to Government of Haryana, Department of High Education, Haryana, Chandigarh and others - Respondents (2009 (1) SCT 157)**

NOTE: This judgment allowed the various associations to file the case on behalf of member colleges regarding the admission in D.Ed. Colleges which was allowed by this Hon'ble court.

- “3. *It was in the above back ground that the petitioner Association of Self Financing Colleges from the State of Haryana filed a representation before the Kurukshetra University, Kurukshetra for permission to fill up the vacant seats on the basis of merit of the candidates in the qualifying examination. The said representation was, however, rejected by the University in terms of a communication dated September 19, 2008 on the ground that only such students as had appeared in the Entrance Test, could be admitted to the colleges and that no digression from that Rule was permissible.*
4. *Aggrieved by the rejection of its request, the Association of Colleges has filed Writ Petition No.*

17824 of 2008 in this Court inter alia for a writ of certiorari quashing the order passed by the university and for a mandamus directing the respondents to permit the member colleges of the society to fill up the vacant seats on the basis of merit of the candidates in the qualifying examination.”

vii. *Dinanath Batra and Ors. - Petitioners Versus Union of India and Anr. – Respondents (W.P. (C) No. 651 of 2012 Decided on 31.05.2013 at Hon’ble Delhi High Court)*

“4. The petitioners challenge the inclusion of the test of English Language Comprehension Skills in one of the two papers in the PE/CSAT on the following grounds:-

(i). that the Presidential Order issued on 27th April, 1960 in accordance with the Report dated 8th February, 1959 of the Committee constituted under Article 344 (4) of the Constitution of India to examine the report of the Official Language Commission appointed under Article 344 (1) provided:-

(a). that local offices of the Central Government departments should use Hindi for their internal working and the respective regional languages in their public dealings ;

(b). Union Government would be justified in prescribing a reasonable measure of knowledge of Hindi language as a qualification for entering into their services;

(c). though English may continue as the medium of instruction for training establishments such as the National

Defence Academy but suitable steps may be taken to introduce Hindi as the medium for all or some of the purposes of instruction;

(d). that Hindi and English should be the media of examination for entrance to training establishments with the option to candidates to select either with reference to all or any of the papers; and;

(e). that ultimately there should be two compulsory papers of equal standard, one in Hindi and another in a modern Indian language other than Hindi to be selected by the candidate;

15. *Chapter I titled 'Language of the Union', in Article 343 prescribes Hindi in Devanagari script as the language of the Union but permits continuation of English Language for all official purposes of the Union in which it was being used immediately before such commencement of the Constitution for a period of fifteen years from such commencement and allows the Parliament to by law provide for the use after the said period of fifteen years also of English Language for such purposes as may be specified in law. Article 344 provides for constitution of a Commission to make recommendations for the progressive use of Hindi Language for official purposes and of a Committee to examine the recommendations of the Commission and report to the President of India and for the President of India to issue directions in accordance therewith.*

17. *Chapter III titled 'Language of the Supreme Court, High Court etc.' encompassing Articles 348 and 349, notwithstanding anything in the earlier provisions, provides for proceedings in the Supreme Court, High Court, authoritative texts of all Bills to be introduced or amendments thereto to be moved in Parliament*

and for all Acts passed by the Parliament and Orders, Rules, Regulations and Bye-laws to be in English language until the Parliament by law otherwise provides.

26. *The respondents have by the impugned change no doubt reversed the aforesaid decision. No reasons, except of the recommendation of Professor S.K. Khanna Committee have been cited for such change. We have perused the report of Professor S.K. Khanna Committee. The reasons mentioned therein, are the need for language testing and English language testing being important in the present context where a civil servant is expected to function in a globalized environment. Though no doubt there has been a sea change in the duties of and expectations from the civil servants and in the economic scenario between the years 1979 and 2010 and change per se is not arbitrary and rather it is essential to change with the times but neither the recommendations of Professor S.K. Khanna Committee nor the letter of acceptance by the Government thereof show any application of mind by the appropriate authorities in the UPSE or the Government to the aspect of the change challenged in this petition. The counter affidavit of the respondents also does not disclose any study of the candidates selected between the years 1979 and 2010 having been done, of their performance as civil servants on the anvil of knowledge of English language. A vague reference to consultation with all stakeholders and non disclosure of material before the Y.K. Alagh committee and which possibly can be on the basis of human perceptions which have no basis and can be erroneous cannot be a substitute for a scientific study in this regard. In the present day of specialized surveys and studies by experts and rating and credit agencies, the impugned change, which indeed is a vital shift from the policy adopted in the year 1979,*

seems to have slipped in without proper attention being bestowed thereon from the concerned persons. It is well neigh possible that while approving the larger change from PE to CSAT and of which the impugned change is one of the say twenty components, may have gone un-noticed.

30. *We, therefore, though not inclined to quash/interfere with the impugned change, are constrained to nevertheless observe that the respondents need to re-look into the matter, including in the perspective discussed above. Though the petitioners, prior to filing this petition, had made representations but the same also do not appear to have been dealt with appropriately. Rather, it is sad that the Union of India did not even chose to file a reply to the writ petition and chose to adopt the counter affidavit of the respondent UPSC. The matter requires looking into by the appropriate authority in the Govt. of India also as it is ultimately with the approval of the Government of India, that the impugned change has been effected.*

31. *We therefore dispose of this petition by directing the Union of India to, within three months here from, constitute appropriate Committee/Body, if not already in place, for examination of the questions aforesaid raised by the petitioners in this petition and the representations of the petitioners and as highlighted by us in this judgment and to, in consultation with the UPSC, within nine months take a decision on the nature of the test of knowledge of English language in the Civil Services Examination i.e. whether it is to be only qualifying or competitive or mixture of both. We are confident that such Committee, in its report will give reasons for its decision.”*